IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 22937 of 2002

Between:

Naara Ramaiah s/o late Janaki Ramaiah
O/o The Executive Officer, thantikonda Devasthanam,
Endowments Department Gokavaram Mandal, East Godavari District

... PETITIONER

AND

1 The Government of Andhra Pradesh, Hyderabad, represented by its Deputy

Commissioner Department of Religious Endowments, East Godavari District,

Kakinada Post
2 The Executive Officer, Endowments Department,
Sri Venkateswara Swamy Devasthanam Temple, Thantikonda Post,
Gokavaram Mandal, East Godavari District
3 The commissioner, Department of Religious endowments,
Government of Andhra pradesh at Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, writ, direction, more particularly one in the nature of writ of mandamus by declaring that the impugned order dt 6-5-2002, issued by the 1st respondent, by removing the petitioner from service in the cadre of attender and

relieving him on the same date without issuing any prior notice and following principles of natural justice, on the ground that his appointment was covered as the appointment/recruitment made after the year 1993 during the pendency of BAN orders on all kinds of recruitments in Government Service imposed by the Government of Andhra Pradesh as arbitrary, Illegal void violative of Principles of Natural justice and in operative against the petitioner and thus to set aside the same in the interest of justice otherwise the petitioner will suffer irreparable loss and damage due to loss of employment and livelihood he him and his family members.

Counsel for the Petitioner: MR.POLISETTI RADHA KRISHNA

Counsel for the Respondent Nos. 1 to 3: GP FOR ENDOWMENTS

The Court made the following Order:

ORDER:

The petitioner questions the order of the second respondent, who is discharging functions as
Person-in-Management of Sri Venkateswara Swamy Temple, Thantikonda of Gokavaram Mandal, East Godavari District. By the said order, second respondent removed the petitioner from service with effect from 06-05-2002. It is stated that the petitioner was appointed as Attender in 1996 and the said appointment was made contrary to the ban orders issued by the Government with regard to the appointments, therefore it is an irregular appointment. Accordingly, the Assistant Commissioner, Endowments Department, Kakinada vide his proceedings dated 15-11-2001 and 16-11-2001, directed to remove such of those employees whose appointments are irregular and contrary to the orders of the Government.

2. The appointment of the petitioner is without there being any budget allocation and the Assistant Commissioner, Endowments Department, Kakinada vide his proceedings dated 06-05-2002 directed to remove the petitioner from service and accordingly the impugned order has been passed. Admittedly, no notice has been issued to the petitioner before he was removed from service.

3. Learned counsel for the petitioner states that the issue raised in this Writ Petition is squarely covered by the judgment of this Court in W.P.No.6166 of 2002 dated 17-06-2002.

4. Having regard to the facts and circumstances of the case and as admittedly no opportunity was given to the petitioner before removing him from service, I am of the view that the impugned order is invalid and is liable to be set aside.

4. For the aforesaid reasons, the Writ Petition is allowed and the impugned order of the 2nd respondent dated 06-05-2002 is set aside as the same is passed against the principles of natural justice. However, this will not preclude the respondents to give an opportunity to the petitioner and take appropriate action in accordance with law. No order as to costs.

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(V. ESWARAIAH, J)

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday the Sixteenth day of August Two thousand and Four.

NOTE:

Furnish copy within a week

(B/o)

MRR/BCJ

To:

1 The Deputy commissioner Department of Religious Endowments,
East Godavari District, Kakinada Post
2 The Executive Officer, Endowments Department,
Sri Venkateswara Swamy Devasthanam Temple, Thantikonda Post,
Gokavaram Mandal, East Godavari District
3 The commissioner, Department of Religious endowments,
Government of Andhra pradesh at Hyderabad

4 Two C.Cs to the G.P. for Endowments, High Court Buildings, Hyderabad

(OUT)

5 Two C.D. Copies.